

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	Case No. CR2-06-129
v.	:	JUDGE ALGENON L. MARBLEY
	:	Magistrate Judge Terence P. Kemp
LANCE K. POULSEN, et al.,	:	
	:	
Defendants.	:	

ORDER

Defendants Donald H. Ayers and Randolph H. Speer have moved for reconsideration of this Court's April 16, 2008 order revoking their pre-sentencing release. The Court hereby **DENIES** Defendants' motions (docket nos. 633 and 636).

The Federal Rules of Criminal Procedure do not provide for motions to reconsider. *United States v. Willyard*, No. 07-CR-44, 2008 U.S. Dist. LEXIS 12763, *3 (E.D. Tenn. Feb. 19, 2008); *United States v. Mihalich*, No. 06-CR-345, 2006 U.S. Dist. LEXIS 83610, *7 (N.D. Ohio Nov. 15, 2006). However, courts typically evaluate such motions under the standards specified by Federal Rule of Civil Procedure 59(e) to alter or amend a civil judgment. *Willyard*, 2008 U.S. Dist. LEXIS 12763 at *3; *Mihalich*, 2006 U.S. Dist. LEXIS 83610 at *8.

A Rule 59(e) motion may be interposed for any of the following three reasons: (1) there has been an intervening change of controlling law; (2) new evidence, not previously available, has come to light; or (3) reconsideration is necessary to correct a clear error of law or prevent a manifest injustice. *Willyard*, 2008 U.S. Dist. LEXIS 12763 at *3-*4. "A reconsideration motion is not an opportunity to relitigate previously decided matters or present the case under new

theories.” *Mihalich*, 2006 U.S. Dist. LEXIS 83610 at *8. Further, such motions are “sparingly” granted “in the interests of repose and conservation of scarce judicial resources.” *Id.* at *9.

Neither Defendant Ayers, nor Defendant Speer, satisfies any of the grounds for granting a motion for reconsideration. They do no more than repeat the arguments they presented at their bond revocation hearing. This Court permitted the parties to file briefing in advance of the revocation hearing and devoted an entire day to the hearing itself. The parties were allowed to submit evidence and examine witnesses extensively, all of which they did. Defendants have not provided the Court with any legitimate reason to reverse its carefully considered ruling that Defendants have failed to carry their burden of establishing, by clear and convincing evidence, that they are not a flight risk. The Court therefore **DENIES** Defendants’ motions to reconsider.

IT IS SO ORDERED.

s/Algenon L. Marbley
ALGENON L. MARBLEY
United States District Court Judge

DATE: May 14, 2008